



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | MANAGEMENT SERVICES
1500 11th Street, 4th Floor | Sacramento, CA 95814 | www.sos.ca.gov

November 4, 2011

Kia Cha
Finance Budget Analyst
Department of Finance
915 L Street
Sacramento, CA 95814

Dear Ms. Cha,

Attached please find the Form STD. 399 for the regulations required by SB 2067, Chapter 569 of the Statutes of 2000, which amended Government Code section 12168.7. Per the meeting this afternoon, the regulations have been amended to include the statement that the regulations are recommendations and best business practice guidelines, which state and local agencies are strongly encouraged to follow.

If you have any questions, please contact me at (916) 653-7288.

Sincerely,

A handwritten signature in cursive script, reading "Kristin Dagsher".

Kristin Dagsher
Budget Officer

cc: Ms. Theresa Finger, Special Projects Manager
Ms. Jennie Bretschneider, Chief Assistant Secretary of State

DEPARTMENT OF FINANCE
COR/JUD

2011 NOV -4 PM 3:54

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME Secretary of State	CONTACT PERSON Jennie Bretschneider	TELEPHONE NUMBER (916) 651-8297
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Standards Incorporated by Reference and the Definition of Trusted System		NOTICE FILE NUMBER Z 2010-1130-10

ECONOMIC IMPACT STATEMENT**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts businesses and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.) |

h. (cont.) See details attached.

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: unknown Describe the types of businesses (Include nonprofits.):
See details attached.

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: _____ eliminated: _____
Explain: See details attached.4. Indicate the geographic extent of impacts: ☒ Statewide ☒ Local or regional (List areas.):
As referenced in Government Code section 12168.7.5. Enter the number of jobs created: None or eliminated: None Describe the types of jobs or occupations impacted:

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☒ No If yes, explain briefly: _____**B. ESTIMATED COSTS** (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

- | | | |
|--|--------------------------------|--------------|
| a. Initial costs for a small business: \$ _____ | Annual ongoing costs: \$ _____ | Years: _____ |
| b. Initial costs for a typical business: \$ _____ | Annual ongoing costs: \$ _____ | Years: _____ |
| c. Initial costs for an individual: \$ _____ | Annual ongoing costs: \$ _____ | Years: _____ |
| d. Describe other economic costs that may occur: See attached. | | |

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ _____

4. Will this regulation directly impact housing costs? ☐ Yes ☒ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____

5. Are there comparable Federal regulations? ☐ Yes ☒ No Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: _____

See details attached.

2. Are the benefits the result of: ☒ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: Government Code section 12168.7 requires adoption of standards.

3. What are the total statewide benefits from this regulation over its lifetime? \$ Unknown

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: The Secretary of State has not identified any alternatives to the proposed regulations.

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: \$ _____	Cost: \$ _____
Alternative 1:	Benefit: \$ _____	Cost: \$ _____
Alternative 2:	Benefit: \$ _____	Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☒ No

Explain: The regulations are a set of recommendations and best practices for state and local agencies.

The regulations do not require agencies use PDF/A and the references to sections in the guideline are to best practices.

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ Yes ☒ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	\$ _____	Cost-effectiveness ratio: \$ _____
Alternative 1:	\$ _____	Cost-effectiveness ratio: \$ _____
Alternative 2:	\$ _____	Cost-effectiveness ratio: \$ _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
- ☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____
- ☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
(FISCAL YEAR)
- ☐ 2. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
- ☐ a. implements the Federal mandate contained in _____
- ☐ b. implements the court mandate set forth by the _____
court in the case of _____ vs. _____
- ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____
election; (DATE)
- ☐ d. is issued only in response to a specific request from the _____
_____, which is/are the only local entity(s) affected;
- ☐ e. will be fully financed from the _____ authorized by Section _____
(FEES, REVENUE, ETC.)
_____ of the _____ Code;
- ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;
- ☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____
- ☐ 3. Savings of approximately \$ _____ annually.
- ☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

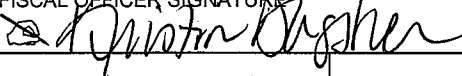
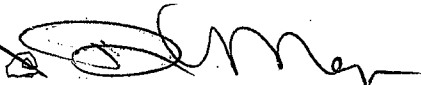
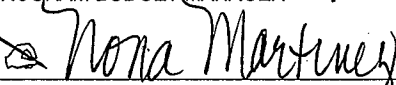
- ☒ 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- ☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- ☐ 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- ☐ 4. Other.

FISCAL OFFICER SIGNATURE 		DATE 11/4/11
AGENCY SECRETARY ¹ APPROVAL/CONCURRENCE		DATE 11-4-11
DEPARTMENT OF FINANCE ² APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER 	DATE 11/9/11

- The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
- Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.

ECONOMIC AND FISCAL IMPACT STATEMENT (STD. 399)
November 4, 2011

TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
CHAPTER 15. TRUSTWORTHY ELECTRONIC DOCUMENT OR RECORD
PRESERVATION

ECONOMIC IMPACT STATEMENT

In an effort to make it easier to follow standards recommended by Association of Information and Image Management (AIIM) or American National Standards Institute (ANSI), as already required under Government Code 12168.7, the proposed regulations will incorporate by reference, standards and guidelines recommended by AIIM or ANSI; and provide clarification of the term "trusted system" as used in Government Code section 12168.7.

The regulations provide recommendations and best practices to state and local agencies. Entities that convert documents to electronic media and want to destroy the original and/or have digital-born documents that need to be stored to a trusted system can ensure their electronic system complies with the ANSI/AIIM standards and guidelines by following these regulations.

The Secretary of State estimates that there will be no adverse private sector cost impacts from these regulations. The regulations are intended to adopt standards for the purpose of recording, storing, and reproducing permanent and nonpermanent records or documents in electronic media. The Secretary of State's intent is to adopt regulations that help organizations create and maintain authentic, reliable, and useable records, and to protect the integrity of those electronic records for as long as required. However, it is impossible to quantify the number of businesses that will benefit or the actual cost savings to business. In addition, the regulations are written as best practices so there is not a mandated cost.

FISCAL IMPACT STATEMENT

There is no fiscal impact on state and local agencies, because these guidelines are a set of recommendations and best practices.

Most electronic content management vendors support the technologies required in the regulations. It would be the responsibility of the agency to confirm with their vendor whether their system(s) meets the relevant adopted standards under Government Code section 12168.7. It should be noted that the vendors would be responsible for technical compliance with the appropriate standards, and the organization following the regulations would be responsible for the procedural aspects of this compliance.

Please note that many vendors are already members of either AIIM or ANSI standard-setting committees and do try to stay current.

The costs for materials and information on the standards and guidelines recommended in the regulations are shown below:

Standard	Description	Price
ANSI/AIIM/CGATS/ISO 19005-1:2005 (incorporated by reference)	Document Management - Electronic File Format for Long-term) Preservation - Part 1: Use of PDF 1.4 (PDF/A-1)	\$ 92.00
AIIM ARP1-2009	Recommended Practice - Analysis, Selection, and Implementation of Electronic Document Management Systems (EDMS)	Free
ISO TR 15801:2009 (optional)	Document management - Information stored electronically - Recommendations for trustworthiness and reliability	\$ 141.00
ISO TR 12033:2009 (optional)	Document management - Electronic imaging - Guidance for selection of document image compression methods	\$ 86.00
	Cost Range Total	\$ 92.00 to 319.00

These costs may be incurred if a state or local agency chooses to follow the standards set in the regulations.

STATE OF CALIFORNIA
SECRETARY OF STATE
1500 11TH STREET, 6TH FLOOR
SACRAMENTO, CA 95814

TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
ADOPT CHAPTER 15. TRUSTWORTHY ELECTRONIC DOCUMENT OR
RECORD PRESERVATION, SECTIONS 22620.1 THROUGH 22620.8

Section 22620.1. Purpose.

The purpose of this chapter is to identify the uniform statewide standards adopted by the Secretary of State, in consultation with the Department of General Services, recommended for use in recording, storing, and reproducing permanent and nonpermanent documents or records in electronic media. These regulations list minimum standards or guidelines recommended by the American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM), and provide specific conditions that would meet the definition of trusted system, as provided in Government Code section 12168.7. These regulations are recommendations and best practice guidelines, which state and local agencies are strongly encouraged to follow.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 22620.2. Applicability of Electronic Document or Record Standards

- (a) The provisions of this chapter shall apply to all electronic documents or records created or stored as the official record six months after the effective date of these regulations.
- (b) The provisions of this chapter shall apply where the intent is to destroy the original hardcopy and to maintain an electronic version as the official record.
- (c) The provisions of this chapter shall also apply to electronically originated documents or records that are maintained as official documents or records.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 22620.3. Definitions.

As used in this chapter, the following words have the following definitions:

- (a) “AIIM” means the Association for Information and Image Management.
- (b) “ANSI” means the American National Standards Institute.
- (c) “Electronically originated documents or records” includes any document or record created without first having originated in hard copy format. It includes all documents or records generated through electronic submissions.
- (d) “ISO” means the International Organization for Standardization.
- (e) “PDF/A” means Portable Document Format/Archive, which is an electronic file format whereby documents are self-contained allowing them to be reproduced with all of the document coding embedded within the file.
- (f) “CGATS” means Committee for Graphic Arts Technologies Standards administered by NPES, the Association for Suppliers of Printing, Publishing, and Converting Technologies.
- (g) Trusted System is defined in section 5.3.3 Trusted system and legal considerations of “AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems,” approved June 5, 2009, which is incorporated by reference in this section.
- (h) “Official documents” or “official records” are those defined as such in applicable statutes and in business practices of the entity responsible for retaining said documents or records. In the absence of applicable statutes, official records or documents are those defined in the entity’s business practices.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 22620.4. Official Document or Record Storage Using Electronic Technologies.

To ensure that all electronic versions of official documents or records (including documents or records converted from hard copy or electronically originated documents or records) are stored and managed in a trusted system as required in Government Code section 12168.7(c), electronic content management systems implemented six months after the adoption of these regulations shall be designed in accordance with section 6.2 Recommended Project Steps and Activities of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," approved June 5, 2009, which is incorporated by reference in this section.

All existing electronic content management systems in place prior to six months after the adoption of these regulations should be evaluated to the greatest extent technologically and procedurally possible, and as soon as practicable secure all necessary local and/or state approvals to meet the intent of Government Code section 12168.7 that electronic documents or records be stored in a trusted system as defined in these regulations.

The published version of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards, or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 22620.5. Business Practice Documentation.

To ensure that appropriate policies and procedures associated with the creation, management, and storage of electronic documents or records are in writing, a document management policy shall be prepared prior to system implementation and updated at regular intervals in accordance with section 6.17 Business practices documentation of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," approved June 5, 2009, which is incorporated by reference in this section.

The published version of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards, or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 22620.6. Electronic File Compression.

When it is determined that electronic documents or records are to be compressed and to ensure that electronic documents or records can be accessed after being converted from hard copy format, only those compression technologies identified in section 5.4.2.4. Document image compression of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," approved June 5, 2009, which is incorporated by reference in this section, shall be used.

The published version of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards, or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 22620.7. Trusted Storage of Official Electronic Documents or Records.

To ensure that every official electronic document or record is considered to be a true and accurate copy of the original information received and before the original copy may be destroyed, at least two (2) separate copies of the official document or record must be created on electronic media meeting all the conditions of a trusted system as identified in section 5.3.3 Trusted system and legal considerations of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," approved June 5, 2009, which is incorporated by reference in this section.

The published version of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards, or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

Section 22620.8. Electronic File Format for Preservation of Converted Official Documents or Records

To ensure long term accessibility of documents or records converted from hard copy format into electronic format, the storing and recording of permanent and nonpermanent documents or records shall be maintained in a trusted system as defined in section 2307022620.7, Trusted Storage of Official Electronic Documents or Records, using standards adopted or developed by ANSI or AIIM and as identified in section 5.4.1.4 Image formats of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," approved June 5, 2009, which is incorporated by reference in this section. If PDF/A is chosen as the file format for long-term storage, the adopted standard that should be followed is "ANSI/AIIM/CGATS/ISO 19005-1:2005, Document Management – Electronic Document File Format for Long-Term Preservation – Part 1: Use of PDF 1.4 (PDF/A-1)," approved as ANSI Standards, June 15, 2008, which is incorporated by reference in this section.

The published version of the AIIM recommended practice may be downloaded directly from AIIM at www.aiim.org/standards or from the Secretary of State at www.sos.ca.gov/archives/local-gov-program. The published version of ANSI/AIIM/CGATS/ISO 19005-1:2005 may be purchased from AIIM at www.aiim.org/standards.

Authority Cited: Government Code section 12168.7

Reference: sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

STATE OF CALIFORNIA
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TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
CHAPTER 15. TRUSTWORTHY ELECTRONIC DOCUMENT OR RECORD
PRESERVATION

*ADDING SECTIONS 22620.1 THROUGH 22620.8 TO A NEW CHAPTER IN TITLE
2 CALIFORNIA CODE OF REGULATIONS PERTAINING TO TRUSTWORTHY
ELECTRONIC DOCUMENT OR RECORD PRESERVATION*

INITIAL STATEMENT OF REASONS

This is the Initial Statement of Reasons required by Government Code section 11346.2.

INTRODUCTION

Government Code section 12168.7(a) establishes the statutory framework for the Secretary of State to adopt uniform statewide standards for the purpose of storing and recording permanent and nonpermanent documents in electronic media.

Government Code section 12168.7(b) gives the Secretary of State authority to adopt regulations, in consultation with the Department of General Services, approving and adopting appropriate standards established by the American National Standards Institute (ANSI) or Association for Information and Image Management (AIIM). In addition SB 2067, Chapter 569, Statutes of 2000, which amended Government Code section 12168.7, required that reproduction of those records be done in compliance with minimum standards or guidelines, or both, recommended by ANSI or AIIM.

Government Code section 12168.7(c) requires the standards specified include a requirement that a trusted system be utilized.

In 2000, when the Legislature passed and the Governor signed SB 2067 (Bowen), the Legislature recognized that it would take time to adopt statewide standards. Government Code section 12168.7(d) required in order to develop statewide standards as expeditiously as possible, and until the time that statewide standards are adopted under subdivision (b), state officials ensure that microfilming, electronic data imaging, and photographic reproduction are done in compliance with the minimum standards or guidelines, or both, as recommended by ANSI or AIIM for recording of permanent or nonpermanent records. Even so, the Secretary of State's office continued to receive complaints about the lack of staff resources or expertise at the local level to determine what standards they are to follow.

Since September 2007, efforts have been taken by the Secretary of State's office to work with interested parties, including state officials, local governments, special districts, nonprofits, ANSI, AIIM, DGS, professionals from various industries, businesses and others, to determine the minimum standards or guidelines that would meet the intent of SB 2067.

The proposed regulations create a new chapter, "Trustworthy Electronic Document or Record Preservation," to adopt appropriate standards that must be met when putting in place an electronic content management system for storing, recording or reproducing permanent and nonpermanent documents as provided in the Government Code section 12168.7; and with the goal of providing clearer rules and instructions concerning documents or records in the electronic media. It also provides recommendations for existing systems. When the minimum standards were explained in a readily available guideline, the section of the guideline was adopted.

These regulations establish the minimum standards all county government offices, including the Board of Supervisors, County Recorder, County Auditor, County Treasurer, and social service agencies; city government offices; special districts; and the State Registrar of Vital Statistics are required to follow.

In addition, Government Code section 12168.7(c)'s definition of "trusted system" will be further clarified by adopting AIIM's published minimal conditions.

SPECIFIC PURPOSE OF THE REGULATIONS

The Secretary of State has written the regulations in an effort to address Government Code section 12168.7, recognizing California law currently exists for state or local government, including cities, counties, or special districts, which points back to 12168.7. In some cases, the citations are listed in current code for Government Code section 12168.7; however, in other cases it is not, such as Evidence Code section 1550. Government Code sections cited in Government Code section 12168.7 include 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203; Health and Safety Code section 102235; and Welfare and Institutions Code section 10851. It is not the Secretary of State office's role to interpret each code section's applicability to each organization but to adopt standards, in consultation with the Department of General Services that meet the intent of Government Code sections 12168.7(a) – (c).

The specific purpose of each adoption, and the rationale for the determination that each adoption is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption is intended to address, is as follows:

Proposed Section 22620.1 will provide the purpose for the proposed regulations. The Secretary of State reviewed more than 100 standards and selected one standard and several sections in a guideline for inclusion in the regulations that will have the most

effective and efficient impact on government to create and maintain authentic, reliable, and useable records; and to protect the integrity of those records for as long as required. When the minimum standards were explained in a readily available guideline, the section of the guideline was adopted.

Proposed Section 22620.2 will provide the applicability of electronic documents or records created or stored as the official record. Since it will take time to consider the impact and impose change on documents or records created or stored electronically, the regulations provide that the provision of this new chapter will apply six months after the adoption of the regulations. The six months will also allow enough time for entities to address these requirements in their request for proposals or in-house projects being planned. The six months was derived after consulting with interested persons.

Since some entities merely store electronic records for convenience and quick access, but rely on the paper as the official record, the regulations clarify the regulations for electronic recording, storage and reproduction would not apply.

Since many documents or records created today are digitally born, meaning they originated in electronic format, the regulations clarify that the regulations apply if they are maintained as the official document or record. This section of proposed regulation is necessary because many official documents are created and stored only in digital format. However, the Secretary of State's office is aware that in some cases, local statute *only* relies on the definition of "trusted system" under section Government Code section 12168.7 specifically when "paper records are to be destroyed" after being transferred to an electronic trusted system. To address this potential ambiguity, the proposed regulation Section 22620.3 allows the local government to define what constitutes an "official record" for purposes of this proposed Chapter.

Proposed Section 22620.3 will define terms used in the proposed regulations. The definitions were created to accommodate the wide and diverse number of entities impacted by these regulations. The need to clarify what is the definitions are of "official documents" or "official records" is necessary because some entities already define what constitutes an official record while others do not. The definition proposed allows entities to use their definition already in place, whether in statute or in business practices. For those entities that do not have such definitions, the proposed language also allows entities to create definitions for official documents or official records stored in the system. For those who need help understanding what should be included in the business practices documentation, the clarification can be found in the proposed language in Section 22620.5.

Proposed Section 22620.4 will adopt section 6.2 Recommended Project Steps and Activities of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," to provide for uniform project steps and activities to follow in the planning and implementation of electronic content management systems. Projects too many times are implemented without thoroughly understanding the "who, what, when, where, why or how" about the automation effort being planned and

implemented. These steps and activities recommended by AIIM will improve an entity's overall success to evaluate the business and technology needs of the information to be stored electronically.

Since SB 2067 was approved by Legislature in 2000, the steps outlined by AIIM may not have been followed for systems currently in place, including meeting the conditions for a trusted system. As such, the regulations clarify what should be done for existing systems. The regulations avoid mandating changes to existing systems by using the word "should" vs. "shall" by stating that existing systems should be evaluated as soon as practicable and that entities secure all necessary local or state approvals to meet the intent of the code. The proposed regulation providing a separate provision for existing systems is necessary because current systems cannot be "designed and implemented" following the recommended "project steps and activities" if the system is already in place. This should not, however, prevent entities from evaluating their existing systems as stated in the proposed regulations for compliance under what has been in place since 2000 under Government Code 12168.7(d), recognizing the clarification of what constitutes a "trusted system" provided by AIIM is fairly new, and only in place since 2009.

Proposed Section 22620.5 will adopt section 6.17 Business Practices Documentation of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems" to ensure appropriate policies and procedures associated with the creation, management and storage of electronic documents or records are prepared, this section will require that the information be in writing by requiring a document management policy prior to system implementation, and updated regularly. This will improve an entity's ability to explain to others what it does to capture, store and reproduce its records or documents in the electronic content management system, along with the when, where, why, how and by whom.

Proposed Section 22620.6 will adopt section in 5.4.2.4 Document image compression of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems" to provide for uniform standards related to electronic file compression when an entity determines the need for compression. This proposed regulation is necessary to provide for uniform standards related to electronic file compression when an entity determines the need for compression. Following standard compression standards reduces the risk that the document or record will not be able to be uncompressed and opened.

Proposed Section 22620.7 will adopt section 5.3.3 Trusted System and Legal Considerations of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems" to provide specific conditions that would meet the definition of trusted system, as provided in Government Code section 12168.7(c). Without this regulation, there is the risk that documents or records could differ substantially from what was originally stored.

Government Code section 12168.7(c) requires that the standards adopted by the Secretary of State include a requirement that a trusted system be utilized. However, neither AIIM

nor ANSI has standards or guidelines that “require” a trusted system be utilized. Rather, the standards and guidelines explain why a trusted system may or should be used and outline what the conditions to meet the minimum standards for a trusted system. AIIM’s definition for a trusted system is being incorporated by reference and is the best information to date. This approach seems to fit well with the statute from other governments referencing to Government Code section 12168.7 that either require a trusted system or refer to 12168.7 for its definition.

This proposed regulation is necessary because although Government Code section 12168.7(c) defines trusted system to mean “a combination of techniques, policies, and procedures for which there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that is originally stored,” it does not include the conditions required for an electronic storage and management system to be considered a “trusted system.” This lack of clarity has resulted in inconsistent guidance about what is required for an entity to store official records to a trusted system. This has led to entities storing both the electronic copy and hard copy of the document converted to electronic media. The proposed regulations clarify this confusion by providing the conditions to meet the definition of a “trusted system” by adopting AIIM’s definition of trusted system. In addition, “policies and procedures” is further defined by adopting section 6.17 of the Business practices documentation of “AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems.”

Proposed Section 22620.8 will adopt section 5.4.1.4 Image formats of “AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems” and require compliance with ANSI/AIIM/CGATS/ISO 19005-1:2005 only if PDF/A is chosen as the file format for long term storage. The proposed regulation will clarify and provide guidance on the choice of file formats when storing files, and share known concerns. AIIM put together this section in AIIM ARP-1-2009 after consulting with its committee members and provides valuable information for entities to consider choosing its file format for the electronic documents or records being captured and stored.

Section 22620.8 also incorporates by reference the standard to follow when choosing PDF/A as the file format. The standard is ANSI/AIIM/CGATS/ISO 19005-1:2005 and is similar to the ISO standard 19005-1:2009, but adopted in the United States by AIIM and the Graphic Arts Technologies Standards (CGATS). The copyright is owned by AIIM and NPES - The Association for Suppliers of Printing, Publishing and Converting Technologies. This proposed regulation is necessary to ensure a standardize PDF/A format is followed when choosing the PDF/A file format.

In all cases, the standard or guideline have been incorporated by reference in the regulations pursuant to 1 CCR § 20 because it would be cumbersome and impractical to publish the documents in the California Code of Regulations due to volume of information in the standard or guideline, and because of ANSI and AIIM copyrights. Each document referenced in the regulations has copy rights and incorporating them by

reference eliminates the concern by ANSI and AIIM that they would lose their copyrights if the actual wording from the guideline or standards were set forth in the regulations. The Secretary of State, in accordance with 1 CCR § 20 provides the Web address where the guideline or standard can be obtained.

The advantage of adopting standards approved by ANSI or AIIM is that the standards from these organizations are the latest in the industry and finalized only after following strict guidelines and processes that include experts in the industry and community around the world. This is a service that is not currently available from any state agency or department in California government. Although the versions adopted in the regulations are the latest available in the industry to date, as new versions are released, the regulations will need to be updated accordingly.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

SB 2067, which amended Government Code section 12168.7, was classified to be a non-state-mandated local program. These regulations specify what shall or should be done to comply with existing code. The regulations require a “shall” only for new systems or if the entity decides to do something, such as if determining the need for files to be compressed; if using the file format PDF, then requiring that the format be PDF/A; or what must be in place for a system to be considered a “trusted system.”

Another way to look at this is that even if the proposed regulations were not adopted, entities would still be required to comply with Government Code section 12168.7 (d) such that “state officials shall ensure that microfilming, electronic data imaging, and photographic reproduction are done in compliance with minimum standards or guidelines, or both, as recommended by ANSI or AIIM for recording of permanent records or nonpermanent records.”

The regulations do not mandate changes to existing systems and only require the standards be included as part of new systems that are yet to be designed.

OTHER REQUIRED SHOWINGS – GOVERNMENT CODE 11346.2(b)(2)-(4)

Technical, Theoretical, and Empirical Study, Report, Similar Document – Gov. Code 11246.2(b)(2)

The Secretary of State did not rely on any technical, theoretical, or empirical studies or reports in proposing the adoption of these regulations. However, there was a lot of consultation with interested persons, including state agencies or department directly affected by these regulations, as well as research to determine what others were doing or had already done to see if California could merely follow what was already done. What took place is listed below.

Research of California Code for References to ANSI or AIIM Standards or Guidelines

During our review of the code to see what other California code sections referenced to ANSI and AIIM standards or guidelines, we found two - Government Code section 14756 and Government Code section 68150, which allow the preservation of records according to minimum standards or guidelines recommended or adopted by ANSI or AIIM. However, no specific standard or guideline is referenced.

Research of the 50 States in the United States and Nonprofits.

The Secretary of State did a research of the websites among the 50 states in the United States, as well as a few non profits, to see what others were doing to adopt standards from ANSI, AIIM or ISO. Our research concluded that Michigan had the most number of references to ANSI, AIIM or ISO standards. Under the Michigan's authority conferred on the department of history, arts, and libraries by sections 2 and 4 of the records reproduction act, Michigan encouraged its audience to seek these standards for more information to assist state agencies and local governments in complying with Michigan law. The information was found in 2009 and, as of the date of this writing, was still available at

http://www.michigan.gov/documents/hal_mhc_rms_st_for_digitizing_125531_7.pdf

Conferring with the Department of General Services

The Secretary of State consulted with the Department of General Services during the development of these proposed regulations, as required by Government Code 12168.7(b). The consultations occurred in meetings that took place in 2009 on January 22, 2009, July 13, 2009 and November 2, 2009. In addition, the Department of General Services participated in the meeting conducted with interested parties that took place in 2010. The meetings were conducted to share with the Department of General Services to ensure they were aware of the action being taken by the Secretary of State and at the same time determine if anything the Secretary of State was doing would conflict with their efforts under Government Code 14756. No reservations or concerns were expressed with the regulations being proposed by the Secretary of State's office. In addition, the Department of General Services continued to participate in our development efforts of the regulations by participating in the other meetings held with interested persons.

Conferring with Interested Persons

As another venue to ensure the Secretary of State adopted standards that would meet the needs of state and local government as provided under Government Code section 11346(b), the Secretary of State conducted meetings with interested persons before initiating regulatory action. Three of these meetings included interested persons from diverse groups, including records managers, information technology staff, city clerks/recorders, state agencies, including the Department of General Services, non profit entities, and others responsible for electronic records. These meetings took place either

in person, via telephone or webinar on February 2009, March 2009 and again January 2010.

Because of the feedback received during the development of these regulations, it is important to discuss here what these regulations are not intended to do.

- 1) Nothing in these regulations is intended to prevent the use of microfilm, microfiche, or paper as the official record.
- 2) Nothing in these regulations defines when to use microfilm, microfiche or paper as its official record.
- 3) Nothing in these regulations requires the conversion of existing images into the newly required PDF/A format for those choosing PDF.
- 4) Nothing in these regulations prevents state officials from continuing to use ANSI or AIIM standards that may have been adopted under Government Code section 12168.7(d).
- 5) The need to maintain (2) separate electronic copies of the document or record to meeting the conditions of a 'Trusted System' in which the copy cannot be altered does not require maintaining two archiving systems or a second "trusted system."
- 6) These regulations are not addressing record management needs but the technology and related procedures to "adopt uniform standards for the purpose of storing and recording permanent and nonpermanent documents in electronic media" as stated in Government Code section 12168.7(a).
- 7) The adoption of standards from the Association for Records Managers and Administrators (ARMA) is not allowed under the current provisions of the code.

Survey conducted by the National Association of Secretaries of State

The National Association of Secretaries of State, on behalf of the California Secretary of State's office, sent out a survey question asking the secretaries of state if they had adopted standards or guidelines recommended by ANSI or AIIM, or were in the process of doing so. The e-mail is listed below in Table 1. The responses received were from Kentucky, New Jersey, Rhode Island, Louisiana, Wyoming, North Dakota, New Mexico, Minnesota and Texas. The conclusion was most states had some form of statute, regulations, bulletin, handbook, or guideline covering electronic records. New Mexico reported that it had incorporated AIIM as one of their references. However, none of the responses seemed to include the standard or guideline being incorporated by reference in this rulemaking effort.

Table 1:

From: Fisher, Stacy [mailto:sfisher@sso.org]
Sent: Monday, August 24, 2009 10:07 AM
To: NASS Secretaries; NASS State Contacts ; Executive Assistants
Cc: Reynolds, Leslie; Milhofer, John
Subject: NASS Survey Question: Records Regulations

Good Afternoon:

The California Secretary of State's Office is in the process of adopting regulations requiring California agencies to comply with minimum standards or guidelines for recording permanent or non-permanent records as recommended by the American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM). The California Office would like to know if any other NASS member states have adopted the standards of these organizations, or are currently in the process of doing so.

For more information about California's rulemaking, please visit their website at <http://www.sos.ca.gov/admin/electronic-documents.htm>.

The information that you provide may be reviewed as part of California's rulemaking process. If you have any feedback, please respond to this message and we will forward your comments to the California Secretary of State's Office.

Thank you,

Stacy Fisher
Meeting Planner/ Executive Assistant
National Association of Secretaries of State
444 N. Capitol Street N.W., Suite 401
Washington, DC 20001
202.624.3525
202.624.3527 (fax)

Current Costs of Various Standards or Guidelines Referenced

The costs for the standards or guideline that are recommended in the proposed regulations or in the guideline would be as shown below:

Standard	Description	Price
ANSI/AIIM/CGATS/ISO 19005-1:2005 (incorporated by reference)	Document Management - Electronic File Format for Long-term Preservation - Part 1: Use of PDF 1.4 (PDF/A-1)	\$ 92.00

Standard	Description	Price
AIIM ARP1-2009	Recommended Practice - Analysis, Selection, and Implementation of Electronic Document Management Systems (EDMS)	Free
ISO TR 15801:2009 (optional)	Document management - Information stored electronically - Recommendations for trustworthiness and reliability	\$ 141.00
ISO TR 12033:2009 (optional)	Document management - Electronic imaging - Guidance for selection of document image compression methods	\$ 86.00
	Cost Range Total	\$ 92.00 to 319.00

Reasonable Alternatives Considered – Gov. Code 11346.2(b)(3)(A)

No other reasonable alternatives have been presented to or considered by the Secretary of State's Office.

Reasonable Alternatives That Would Lessen the Impact on Small Businesses – Gov. Code 11346(b)(3)(B)

The Secretary of State has not identified any alternatives that will lessen any adverse impact on small businesses. The proposed regulatory action should facilitate the overall recording, storing, and reproducing permanent and nonpermanent documents or records in electronic media and generally benefit small businesses.

Evidence Relied Upon to Support the Initial Determination That the Regulations Will Not Have a Significant Adverse Economic Impact On Business – Gov. Code 11246(b)(4)

There is no evidence supporting any adverse economic impact on any business. Government Code section 12168.7(d) already provides that until the time that statewide standards are adopted, state officials would ensure that microfilming, electronic data imaging and photographic reproduction are done in compliance with minimum standards or guidelines, or both, as recommended by ANSI or AIIM for recording of permanent records or nonpermanent records. These regulations are intended to clarify and interpret what is already required in the code.

ALTERNATIVE DETERMINATIONS

The Secretary of State has not identified any alternatives that will lessen any adverse impact on small businesses. The proposed regulatory action should facilitate the overall recording, storing, and reproducing permanent and nonpermanent documents or records in electronic media and generally benefit small businesses.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

DIVISION 7. SECRETARY OF STATE

**CHAPTER 15. TRUSTWORTHY ELECTRONIC DOCUMENT OR RECORD
PRESERVATION**

PROPOSAL TO ADD

2 CALIFORNIA CODE OF REGULATIONS

SECTIONS 22620.1 THROUGH 22620.8

(TRUSTWORTHY ELECTRONIC DOCUMENT OR RECORD PRESERVATION)

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Secretary of State is proposing to take the action described in the Information Digest.

A public hearing regarding this proposal will be held on January 24, 2011, at 10 a.m. in the Multi-Purpose Room, 1st Floor of the Secretary of State's Office, 1500 11th Street, Sacramento, CA 95814.

Following the public hearing, the Secretary of State may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the

Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 653-4620 or by e-mail to theresa.finger@sos.ca.gov. Comments must be submitted prior to 5 p.m. on January 24, 2010. The Secretary of State will consider only comments received at the Secretary of State's Office by that time.

PROPOSED REGULATORY ACTION

The Secretary of State proposes the following regulatory action: Add sections 22620.1 through 22620.8 of Chapter 15 of Division 7 of Title 2 of the California Code of Regulations, to implement, interpret, or make specific provisions of Government Code section 12168.7.

AUTHORITY AND REFERENCE

Authority cited: Section 12168.7, Government Code

Reference cited: Sections 25105, 26205, 26205.1, 26205.5, 26907, 27001, 27322.2, 34090.5, and 60203, Government Code; section 102235, Health and Safety Code; and section 10851, Welfare and Institutions Code.

INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

The Secretary of State proposes to add sections 22620.1 through 22620.8 to Chapter 15 of Division 7 of Title 2 of the California Code of Regulations, which would implement, interpret, or make specific section 12168.7 of the Government Code. This statute requires the Secretary of State to approve and adopt uniform statewide standards established by the American National Standards Institute (ANSI) or the Association for Information and Image Management (AIIM) for the purpose of storing and recording permanent and nonpermanent records in electronic media.

Specifically, the Secretary of State proposes to amend Title 2 of the California Code of Regulations as follows:

- 1) Section 22620.1 will provide the purpose for the newly established chapter.
- 2) Section 22620.2 will describe the applicability of electronic document or record standards.
- 3) Section 22620.3 will define terms that are used in the regulations.
- 4) Section 22620.4 will adopt section 6.2 Recommended Project Steps and Activities of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems," to provide for uniform project steps and activities to follow in the planning and implementation of electronic content management systems.
- 5) Section 22620.5 will adopt section 6.17 Business Practices Documentation of "AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic

Document Management Systems” to ensure appropriate policies and procedures associated with the creation, management and storage of electronic documents or records are prepared, this section will require that the information be in writing by requiring a document management policy prior to system implementation, and updated regularly.

- 6) Section 22620.6 will adopt section in 5.4.2.4 Document image compression of “AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems” to provide for uniform standards related to electronic file compression when an entity determines the need for compression.
- 7) Section 22620.7 will adopt section 5.3.3 Trusted System and Legal Considerations of “AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems” to provide specific conditions that would meet the definition of trusted system, as provided in Government Code section 12168.7(c).
- 8) Section 22620.8 will adopt section 5.4.1.4 Image formats of “AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems” and require compliance with ANSI/AIIM/CGATS/ISO 19005-1:2005 only if PDF/A is chosen as the file format for long term storage.

Section 22620.8 also incorporates by reference the standard to follow when choosing PDF/A as the file format. The standard is ANSI/AIIM/CGATS/ISO 19005-1:2005 and is similar to the ISO standard 19005-1:2009, but adopted in the United States by AIIM and the Graphic Arts Technologies Standards (CGATS).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Secretary of State has made the following initial determinations:

1. **Mandate on local agencies and school districts:** This proposal does not impose a mandate on local agencies or school districts.
2. **Costs or savings to any state agency:** We anticipate many state agencies will already have access to the standards or rely on their vendor to comply with the standards. Cost will be approximately \$92 to \$319 if the standards are purchased.
3. **Cost to any local agency or school district, which must be reimbursed in accordance with Government Code sections 17500 through 17630:** Costs of \$92 to \$319 if the standards are purchased.

4. **Other nondiscretionary cost or savings imposed on local agencies:** Costs should be minimal because the regulations are not retroactive. The Secretary of State anticipates local agencies will begin to list the standards in their proposals for new information technology solutions. Savings could be incurred in the long-term because local agencies will have a freely available best practices document to follow when conducting an analysis, selection, and implementation of document management systems, minimizing project failures. There could also be savings from having documents stored to a file format designed for long-term preservation.
5. **Cost or savings in federal funding to the state:** None.
6. **Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:** None.
7. **Costs impacts on representative private person or businesses:** Most of the businesses either have access to the standards or participate in the committees that develop the standards. Therefore, costs on representative private person or businesses should be minimal, if any.
8. **Adoption of this new chapter and sections will not:**
(A) create or eliminate jobs within California;
(B) create new businesses or eliminate existing businesses within California; or
(C) affect the expansion of businesses currently doing business within California.
9. **Significant effect on housing:** None
10. **Effect on small business:** Most of the businesses either have access to the standards or participate in the committees that develop the standards. Therefore, costs on representative private person or businesses should be minimal, if any.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Secretary of State's Office must determine that no reasonable alternative has been identified that would be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Secretary of State invites persons to present statements or arguments with respect to alternatives to the proposed amendments during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Theresa Aguilar Finger, Special Projects Manager, MBA/TM, C.P.A.
Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814
(916) 651-9532

or

Kaye Kaufman, Project Management Office, Elections Specialist
Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814
(916) 657-2376

INITIAL STATEMENT OF REASONS AND INFORMATION

The Secretary of State has prepared an initial statement of reasons for the proposed action and has available the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Secretary of State at 1500 11th Street, 6th Floor, Sacramento, CA 95814. These documents may also be viewed and downloaded from the Secretary of State's website at www.sos.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above. As of the date this notice, the rulemaking file consists of this Notice of Proposed Rulemaking, the regulations as proposed, and the Initial Statement of Reasons. The Initial Statement of Reasons includes

the express terms of the proposed action and the information upon which the proposed action is based.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the proposed regulations in underline and/or strikeout can be accessed through the Secretary of State's web site at www.sos.ca.gov. A copy of the Final Statement of Reasons will be posted on the web site once the statement has been prepared.